

# **EXHIBIT A**

# Clark, Hunt & Embry

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Walter Stickle  
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February 06, 2006  
**CH&E No. 50477.01**  
**Invoice No. 41270**

In Reference To: **Trademark Issues**

## Professional Services

		<u>Hours</u>	<u>Amount</u>
5/18/2004	WJH Conference with client.	0.70	175.00
5/26/2004	MJH Continue Legal Research re: State law trademark rights and remedies (approved)	2.60	390.00
5/27/2004	MJH Continue Legal Research re: state law trademark rights and remedies (approved)	1.30	195.00
	MJH Begin preparation of memorandum in support of injunctive relief.	3.60	540.00
5/28/2004	MJH Continue preparation of memorandum in support of motion for preliminary injunction.	2.10	315.00
6/2/2004	MBN Telephone conf. with client, re: status.	0.10	18.50
	MBN Preparation of complaint.	0.40	74.00
6/3/2004	MBN Telephone conf. with client (W.S.) re: status.	0.10	18.50
	SAW Legal Research re: app'd, 15 U.S.C. section 1125 1st Circuit & all Fed Cts.	3.90	585.00
	WJH Telephone conf. with IP Lawyer.	0.50	125.00
	WJH Telephone conf. with Walter.	0.30	75.00
	WJH Conference with SW & MBN, re: case.	0.30	75.00
	WJH Telephone conf. with client	0.20	50.00
	WJH Work up Federal Claims.	2.10	525.00
6/4/2004	MBN Telephone conf. with client (T.C.) re: background and factual history for affidavit, witnesses.	0.50	92.50
	WJH Telephone conf. with client, Walter.	0.20	50.00
	WJH Conference with SW.	0.20	50.00
	WJH Work on Registration Issues.	1.80	450.00
6/7/2004	SAW Legal Research re: Protection of those who used unregistered marks- app'd.	2.20	330.00
	SAW Preparation of memo, re: trademark infrung & Lanham Act.	0.70	105.00
	SAW Legal Research re: 15 U.S.C. section 1114 colorable imitaion- app'd.	0.60	90.00

			<u>Hours</u>	<u>Amount</u>
6/7/2004	SAW	Legal Research re: 15 U.S.C. section 1225 (a) & (d)- app'd.	2.30	345.00
	SAW	Preparation of memo, re: research Lanham Act & 15 U.S. C. section 1525 (d)	1.80	270.00
	WJH	Telephone conf. with John.	0.30	75.00
6/9/2004	MBN	Telephone conf. with client (D.F.) re: prep. of affidavit, legal claims, background, witnesses.	0.60	111.00
	SAW	Legal Research re: Lanham Act section 43(a) and section 1114 colorable imitation app'd.	1.30	195.00
	SAW	Legal Research re: intent/willful use of mark.	0.40	60.00
	SAW	Preparation of memo of law, re: protection of unreg. trademarks.	0.80	120.00
6/10/2004	SAW	Legal Research re: confusion amongst consumers- app'd.	1.30	195.00
	SAW	Legal Research re: ACPA & UDRP Laws Article.	0.20	30.00
	WJH	Review of Fee Forum Jury.	0.10	25.00
	WJH	Revision to Complaint.	2.80	700.00
6/11/2004	MBN	Telephone conf. with witness E. Tighe, re: affidavit prep, facts.	0.40	74.00
	SAW	Telephone conf. with USTDO, re: contesting registration.	0.10	15.00
	SAW	Legal Research re: contesting registered trademarks.	1.30	195.00
	WJH	Telephone conf. with client	0.50	125.00
	WJH	Telephone conf. with client	1.60	400.00
	WJH	Telephone conf. with client	0.30	75.00
	WJH	Prepare letter to Orfenus.	0.30	75.00
	WJH	Prepare letter to Strawberry's.	0.20	50.00
	WJH	Prepare letter to Medford Theatre.	0.20	50.00
	WJH	Revision to Letters.	0.20	50.00
	WJH	Telephone conf. with Starwberry's.	0.40	100.00
6/14/2004	SAW	Telephone conf. with USTPO, re: trademark registration- contesting.	0.20	30.00
	SAW	Preparation of letter of protest- USTPO website info.	0.30	45.00
	SAW	Review of Ch. 1500 and Ch. 1700, USTPO letter of protest procedures & issues- website.	0.40	60.00
	SAW	Review of application of registering mark- printout USTPO.	0.10	15.00
	SAW	Legal Research re: USTPO ch. 1700 - Letter of Protest.	1.10	165.00
	WJH	Review of Jury Memo.	0.10	25.00
6/15/2004	SAW	Legal Research cases, re: disruptive & generic terms for protest letter. app'd	2.30	345.00
6/16/2004	MJH	Continue preparation of memorandum in support of preliminary injunction.	0.50	75.00
	WJH	Telephone conf. with Arthur Orsenus.	0.60	150.00
	WJH	Conference with SW, re: Brief.	0.20	50.00
	WJH	Telephone conf. with Warren Scott.	0.10	25.00
6/17/2004	SAW	Telephone conf. with awregistry.com, re: obtaining initial registration docs of pinkvoyd.com	0.30	45.00
	SAW	Preparation of email to Walter Stickle, re: awregistry.com	0.30	45.00
	SAW	Review of email from Walter Stickle/registration.	0.20	30.00
	SAW	Telephone conf. with Walter Stickle, re: registration info. emailed to me.	0.20	30.00

			<u>Hours</u>	<u>Amount</u>
6/17/2004	SAW	Telephone conf. with Walter Stickle, re: registration info- request to awregistry.com initial/transfer etc. (hard copy being senrnerstone subcontract.	0.10	15.00
	MJH	Continue Legal Research re: Lanham Act violations and cancellation of mark on fraud grounds (approved)	2.40	360.00
	MJH	Continue preparation of memorandum support of motion for preliminary injunction.	3.60	540.00
	WJH	Telephone conf. with Tony C.	0.30	75.00
6/18/2004	MJH	Continue preparation of memorandum in support of motion for preliminary injunction.	3.30	495.00
	MJH	Continue Legal Research re: cyberaquatting law regarding factors to prove bad faith. (approved)	1.60	240.00
	WJH	Review of Pitingulo Email.	0.10	25.00
	WJH	Email to Pitingulo.	0.10	25.00
	WJH	Email to Walter.	0.10	25.00
6/21/2004	MJH	Continue preparation of memorandum in support of the motion for preliminary injunction.	3.40	510.00
6/22/2004	MBN	Preparation of Affidavit of E.T.	0.60	111.00
	MBN	Review of corr & documents from clients, re: same.	0.40	74.00
	MJH	Continue preparation of memorandum in support of the motion for preliminary injunction.	1.60	240.00
	MJH	Begin preparation of motion for preliminary injunction.	0.40	60.00
6/23/2004	MBN	Telephone conf. with witness (L.S.) re: poss. statement.	0.20	37.00
	WJH	Telephone conf. with Tony.	0.20	50.00
	WJH	Conference with MBN.	0.10	25.00
6/24/2004	MBN	Receipt and review of corr. from opp. counsel, re: claims, etc.	0.30	55.50
	WJH	Prepare letter to M. Pitingulo.	0.10	25.00
6/25/2004	MBN	Preparation of Complaint.	1.20	222.00
6/28/2004	SAW	Legal Research re: USP&TO- letter of protest online.	0.60	90.00
6/29/2004	MBN	Cont. preparation of complaint and affidavits; Legal research for same, re: Lanham Act. Federal & state landmark cases.	4.80	888.00
	SAW	Legal Research re: Disparagement Claim- app'd.	2.60	390.00
	SAW	Prepare memo to Bill H. re: Disparagement.	1.00	150.00
	SAW	Receipt and review of registration paperwork provided by awregistry-analyzed.	0.40	60.00
	SAW	Prepare outline of above- materials law-registry.	0.30	45.00
	SAW	Telephone conf. with USPTO, re: example of letter of protest.	0.20	30.00
6/30/2004	MBN	Telephone conf. with client (T.C. and R.C.) re: affidavits.	0.40	74.00
	MBN	Cont. preparation of affidavits, complaint.	3.60	666.00
	MBN	Telephone conf. with court clerk's office, re: injunction.	0.20	37.00
	MBN	Telephone conf. with witness (W.E.) re: facts, affidavit.	0.20	37.00
	SAW	Preparation of Memo- Disparagment Claim.	5.40	810.00
	WJH	Preparation of Scott Affidavit.	0.30	75.00
	WJH	Prepare letter to Scott.	0.30	75.00

		<u>Hours</u>	<u>Amount</u>
6/30/2004	WJH Email to Warren.	0.10	25.00
	WJH Telephone conf. with Chris @ Good Times.	0.30	75.00
	WJH Emails t/f Chris.	0.30	75.00
	WJH Telephone conf. with Joel Finegold.	0.20	50.00
	WJH Preparation of Finegold Affidavit.	0.20	50.00
	WJH Telephone conf. with P. Popetti.	0.20	50.00
	WJH Preparation of Popetti Affidavit.	0.20	50.00
	WJH Miscellaneous calls with Tony C.	0.50	125.00
	WJH Preparation of Walter Affidavit.	0.20	50.00
	WJH Fax J. Rief.	0.50	125.00
	WJH Telephone conf. with Esposito.	0.10	25.00
	WJH Prepare letter to Joel Fitzgerald. (EM)	0.10	25.00
7/1/2004	MBN Telephone conf. with client (T.C.) re: affidavits.	0.30	55.50
	MBN Telephone conf. with client (J.P.) re: affidavit.	0.20	37.00
	MBN Preparation of affidavits, Pitingolo, Fisher, Caliendo, Easton.	2.80	518.00
	MBN Cont. preparation of complaint.	1.50	277.50
	MBN Prepare letter to S.P. re: affidavit.	0.20	37.00
	MBN Prepare letter to client (D.F.) re: same.	0.20	37.00
	MBN Receipt and review of additional docs from client.	0.40	74.00
	MBN Receipt and review of corr & website data from client.	0.20	37.00
	SAW Prepare letter to U.S. PTO- letter of protest- draft.	0.40	60.00
	MJH Continue preparation of memorandum in support of preliminary injunction.	0.20	30.00
	MJH Continue Legal Research re: registration of domain name as constitutions use. (approved)	1.40	210.00
	WJH Telephone conf. with Tony (2x)	0.60	150.00
	WJH Conference with MBN.	0.30	75.00
	WJH Revision to Walter Affidavit.	0.30	75.00
	WJH Preparation of Bleeding Heart Aff.	0.30	75.00
	WJH Revision to Bleeding Heart Aff.	0.30	75.00
	WJH Prepare letter to Bleeding Heart.	0.20	50.00
	WJH Telephone conf. with client, Walter.	0.30	75.00
	WJH Telephone conf. with Joel Finegold.	0.30	75.00
	WJH Revision to Popetti Aff.	0.30	75.00
	WJH Miscellaneous work up of Affidavits & Brief.	1.60	400.00
	SAW Review of memo to file, re: awregistry docs.	0.30	45.00
7/2/2004	MBN Cont. preparation of Fisher Affidavit	0.30	55.50
	MBN Prepare letter to client (J.P.) re: affidavits.	0.20	37.00
	MBN Prepare letter to client (D.F.) re: same.	0.20	37.00
	MBN Receipt and review of corr & affidavit revisions from D.F.	0.40	74.00
	MBN Prepare letter to client (D.F.) re: same.	0.20	37.00
7/6/2004	MBN Telephone conf. with client (J.P.) re: affidavits.	0.10	18.50
	MBN Receipt and review of corr from client (J.P.) re: revisions to same.	0.30	55.50
	SAW Revision to memo- aw registration of PinkVoyd.com	0.20	30.00

			<u>Hours</u>	<u>Amount</u>
7/7/2004	MBN	Prepare letter to client (J.P.) re: revisions to affidavit.	0.30	55.50
	MBN	Prepare letter to E.T. re: affidavit & revisions.	0.20	37.00
	MBN	Prepare letter to S.P. re: same.	0.20	37.00
	MBN	Cont. preparation of memorandum of law, motion for prelim. injunction.	2.80	518.00
	MJH	Telephone conf. with CM, re: affidavit.	0.30	45.00
	MJH	Telephone conf. with SE, re: affidavit (L/M)	0.10	15.00
	MJH	Telephone conf. with BP, re: affidavit.	0.30	45.00
	MJH	Begin preparation of CM affidavit.	0.40	60.00
	MJH	Begin preparation of RP affidavit.	0.50	75.00
	MJH	Prepare letter to RP, re: draft of affidavit.	0.10	15.00
	MJH	Prepare letter to CM, re: draft of affidavit.	0.10	15.00
7/8/2004	MBN	Cont. preparation of Memorandum of Law, exhibits, affidavits, re: in Support of Prelim. Inj. Motion.	4.30	795.50
	MBN	Receipt and review of corr & affidavits from witnesses (K.P., P.P., R.R., E.T. and S.P.)	0.20	37.00
	MJH	Telephone conf. with RP, re: affidavit.	0.10	15.00
	MJH	Telephone conf. with RP, re: affidavit.	0.10	15.00
	MJH	Legal Research re: Massachusetts Trademark Protection (approved)	0.40	60.00
	MJH	Telephone conf. with ET, re: affidavit.	0.20	30.00
	MJH	Preparation of KP affidavit.	0.10	15.00
	MJH	Prepare letter to KP, re: affidavit.	0.10	15.00
7/9/2004	MBN	Preparation of motion for short order of notice and motion for appt. of special process server.	0.40	74.00
	MBN	Cont. preparation of memorandum of law.	2.40	444.00
	MBN	Telephone conf. with constable, re: service.	0.20	37.00
	MBN	Telephone conf. with client (W.S.) re: status.	0.10	18.50
	MBN	Prepare letter to opposing counsel, re: filings.	0.20	37.00
	MBN	Telephone conf. with court clerk's office, re: hearing.	0.20	37.00
	MJH	Preparation of complaint.	0.80	120.00
	MJH	Continue preparation of motion for preliminary injunction.	0.10	15.00
	MJH	Continue preparation of memorandum of law in support of preliminary injunction.	2.50	375.00
	MJH	Preparation of MJ affidavit.	0.20	30.00
	MJH	Telephone conf. with clerks office, re: docs needed to file case.	0.10	15.00
	MJH	Attend court filing complaint & motion for short order notice.	1.80	270.00
	MJH	Preparation of civil action coversheets.	0.40	60.00
7/12/2004	MBN	Telephone conf. with constable, re: service.	0.20	37.00
	MBN	Receipt and review of return of service.	0.10	18.50
	MBN	Telephone conf. with court clerk's office, re: hearing.	0.20	37.00
	SAW	Review of online status- US PTO filing Pink Voyd (TM) (not yet assigned)	0.20	30.00
	MJH	Telephone conf. with District Court, re: ruling on motion and scheduling of hearing.	0.10	15.00

			<u>Hours</u>	<u>Amount</u>
7/13/2004	MBN	Receipt and review of corr & email doc from client (J.P.)	0.20	37.00
	MBN	Receipt and review of invoice from constable; corr constable, re: same.	0.10	18.50
	SAW	Prepare letter to US PTO- letter of protest (draft)	0.30	45.00
7/14/2004	MBN	Telephone conf. with court clerk's office, re: short order of notice.	0.20	37.00
	MBN	Preparation of letter of protest to trademark office.	0.80	148.00
	MBN	Telephone conf. with client (W.S.) re: status.	0.20	37.00
	MJH	Telephone conf. with Z. Lovett, re: reason for denying motion.	0.10	15.00
7/15/2004	MBN	Cont. preparation of letter of protest to trademark office.	0.30	55.50
	MBN	Telephone conf. with opposing counsel (M.P.) re: filings.	0.10	18.50
7/16/2004	MBN	Telephone conf. with opposing counsel (M.P.) re: poss. settlement.	0.20	37.00
	MBN	Telephone conf. with client, re: fire dept. call, status.	0.20	37.00
	MBN	Telephone conf. with fire dept. and opp. counsel, re: same.	0.10	18.50
	MBN	Telephone conf. with client (A.C.) re: fire dept. call.	0.10	18.50
7/20/2004	MBN	Telephone conf. with opposing counsel (M.P.) re: claims, poss. settlement.	0.20	37.00
	MBN	Telephone conf. with client (W.S.) re: same.	0.10	18.50
	MBN	Telephone conf. with court clerk's office, re: hearing date.	0.10	18.50
7/22/2004	MBN	Telephone conf. with opposing counsel (M.P.) re: settlement.	0.20	37.00
	MBN	Telephone conf. with client (T.C.) re: status.	0.10	18.50
	MBN	Telephone conf. with client (W.S.) re: same.	0.20	37.00
7/23/2004	MBN	Telephone conf. with client (W.S.) re: poss. settlement.	0.10	18.50
	MBN	Telephone conf. with opposing counsel (M.P.) re: same.	0.10	18.50
7/26/2004	MBN	Telephone conf. with opposing counsel (M.P.) re: settlement.	0.30	55.50
7/28/2004	MBN	Telephone conf. with opposing counsel (M.P.) re: agr. for judgment.	0.30	55.50
	MBN	Begin preparation of agr. for judgment.	0.30	55.50
7/29/2004	MBN	Telephone conf. with client (W.S.) re: status, poss. settlement.	0.20	37.00
	MBN	Review of latest defendant web postings.	0.20	37.00
7/30/2004	MBN	Telephone conf. with opposing counsel (M.P.) re: settlement, motion.	0.30	55.50
	MBN	Review of Town of Arlington assessors office records, re: Orfanos property ownership.	0.30	55.50
8/3/2004	MBN	Receipt and review of corr. from client (T.C.) re: Orfanos, damages.	0.20	37.00
	MBN	Receipt and review of corr. from client (D.F.) re: same.	0.10	18.50
8/4/2004	MBN	Telephone conf. with client (W.S.) re: conf. call.	0.10	18.50
	MBN	Telephone conf. with opposing counsel, re: answer.	0.10	18.50
	MBN	Conference call with WJH, T.C. and W.S. re: case overview, settlement damages.	0.40	74.00
	MJH	Investigation for confirmation summons was returned.	0.10	15.00
	WJH	Conference with co-counsel, MBN.	0.20	50.00
8/5/2004	MBN	Telephone conf. with opposing counsel (M.P.) re: settlement.	0.20	37.00
8/6/2004	MBN	Telephone conf. with court clerk's office, re: status, hearing date.	0.20	37.00
	MBN	Prepare letter to court clerk's office, re: same.	0.20	37.00
8/9/2004	MBN	Preparation of agreement for judgment and judgment.	0.70	129.50
8/10/2004	MBN	Cont. preparation of agr. for judgment.	0.20	37.00

		<u>Hours</u>	<u>Amount</u>
8/12/2004	MBN Telephone conf. with client (T.C.) re: settlement (x2)	0.30	55.50
	MBN Prepare letter to client (W.S., D.F. & J.P.) re: same.	0.10	18.50
	MBN Telephone conf. with client (W.S.) re: same.	0.10	18.50
	MBN Cont. preparation of judgment docs.	0.30	55.50
8/13/2004	MBN Preparation of Release.	0.40	74.00
	MBN Prepare letter to opposing counsel (M.P.) re: settlement docs.	0.20	37.00
8/27/2004	WJH Review of Offers.	2.00	500.00
8/30/2004	WJH Telephone conf. with client, Walter.	0.30	75.00
	WJH Prepare letter to client	0.20	50.00
8/31/2004	WJH Telephone conf. with Dan F.	0.50	125.00
9/7/2004	MBN Receipt and begin review of orphanos pleadings, affidavits, exhibits.	1.80	333.00
9/13/2004	MBN Receipt and review of corr & band list from client D.F.	0.20	37.00
	MBN Telephone conf. with client (R.D.) re: status.	0.10	18.50
9/14/2004	MBN Preparation of answer to defendant's counterclaims.	0.60	111.00
	MBN Prepare letter to client, re: same.	0.20	37.00
	MBN Receipt and review of corr from clients T.C. & D.F. re: same.	0.20	37.00
9/16/2004	MBN Cont. preparation of answer to defendant counter claims and review of client corr, re: same.	0.60	111.00
9/17/2004	MBN Receipt and review of discovery order from J. Tauro.	0.10	18.50
	MBN Cont. review of corr from clients, re: counterclaims.	0.30	55.50
	WJH Review of Court Order.	0.10	25.00
9/22/2004	MBN Receipt and review of notice of hearing; tel. clerk's office, re: same.	0.10	18.50
9/23/2004	MBN Prepare letter to opposing counsel (M.P.) re: hearing on motion.	0.10	18.50
9/27/2004	MBN Begin preparation for hearing on Motion for Prelim. Inj.	0.40	74.00
	MBN Prepare letter to client, re: same.	0.10	18.50
	MBN Telephone conf. with opposing counsel, re: same.	0.10	18.50
9/28/2004	MBN Preparation for hearing on motion for prelim. injunction.	2.50	462.50
9/29/2004	MBN Cont. preparation for hearing.	0.30	55.50
	MBN Attend U.S. Dist Ct for hearing on motion for prelim. injunction.	2.60	481.00
	MBN Conference with clerk, re: proposed order.	0.20	37.00
9/30/2004	MBN Prepare letter to client, re: hearing.	0.20	37.00
10/4/2004	MBN Preparation of proposed order.	0.60	111.00
	MBN Telephone conf. with court clerk's office, re: filing of same.	0.20	37.00
10/5/2004	MBN Prepare letter to court clerk's office, re: proposed order.	0.20	37.00
	MBN Telephone conf. with opposing counsel (M.P.) re: same.	0.20	37.00
10/6/2004	MBN Telephone conf. with court clerk's office, re: filing of proposed order.	0.20	37.00
11/9/2004	HWC Receipt and review of court order on motion for prelim. injunction.	0.20	50.00
	HWC Review of Orfanos website status.	0.20	50.00
11/10/2004	MBN Receipt and review of corr from clients (W.S. & J.P.) re: viol of court order.	0.30	55.50
	MBN Telephone conf. with client (W.S.) re: same. (2x)	0.20	37.00
	MBN Prepare letter to opposing counsel (M.P.) re: viol. of court order, demand.	0.20	37.00
11/12/2004	MBN Check compliance with order, re: Orfanos websites.	0.20	37.00



			<u>Hours</u>	<u>Amount</u>
11/15/2004	MBN	Receipt and review of corr from clients (W.S., T.C. & D.F.), re: viol of order.	0.20	37.00
	MBN	Prepare letter to client, re: same.	0.20	37.00
11/17/2004	MBN	Telephone conf. with opposing counsel (M.P.), re: website viol of court order, allegat. of libel.	0.30	55.50
	MBN	Review of Orfanos website content.	0.10	18.50
11/18/2004	MBN	Receipt and review of corr from opp. counsel M.P. re: case & desist emails from plaintiffs.	0.20	37.00
	MBN	Prepare letter to client, re: same.	0.30	55.50
11/19/2004	MBN	Prepare letter to client (W.S.), re: Pelosky letter & attached email.	0.20	37.00
11/29/2004	MBN	Receipt and review of corr from client (J.P.), re: Viol of order & review of website for same.	0.20	37.00
11/30/2004	MBN	Telephone conf. with court clerk's office, re: contempt order.	0.20	37.00
12/2/2004	MBN	Preparation of motion for order of contempt and affidavit supporting same.	2.70	499.50
12/3/2004	MBN	Telephone conf. with court clerk's office, re: contempt order.	0.20	37.00
	MBN	Cont. preparation of Motion seeking order.	0.30	55.50
	MBN	Prepare letter to client (W.S.), re: same, affidavit.	0.30	55.50
	MBN	Telephone conf. with client (D.F.), re: same.	0.20	37.00
12/6/2004	MBN	Receipt and review of corr & revised affidavit from client (D.F.)	0.20	37.00
	MBN	Telephone conf. with client, re: same.	0.10	18.50
12/28/2004	MBN	Receipt and review of Orfanos response to motion for order of contempt.	0.40	74.00
	MBN	Review of court docket for hearing on motion and tel clerk's office, re: same.	0.20	37.00
2/17/2005	SAW	Review of letter from USPTO, re: denial of protest.	0.30	45.00
3/22/2005	MBN	Receipt and review of court order & decision on motion for order of contempt.	0.20	37.00
4/1/2005	MBN	Telephone conf. with client (W.S.), re: status, litigation options.	0.50	92.50
6/28/2005	WJH	Telephone conf. with co-counsel	0.20	50.00
6/29/2005	MBN	Prepare letter to client (W.S.), re: Orfanos contact.	0.20	37.00
	MBN	Telephone conf. with client (W.S.), re: same, status litigation options.	0.40	74.00
7/18/2005	MBN	Telephone conf. with client (W.S.), re: commun. from Orfanos, options (x2)	0.20	37.00
	MBN	Prepare letter to opposing counsel (M.P.), re: same.	0.10	18.50
8/11/2005	MBN	Telephone conf. with opposing counsel (M.P.), re: case status.	0.10	18.50
8/12/2005	MBN	Telephone conf. with opposing counsel (M.P.), re: settlement.	0.10	18.50
	MBN	Telephone conf. with client (W.S.), re: same.	0.10	18.50
8/16/2005	MBN	Telephone conf. with client (W.S.), re: case status, poss. settlement.	0.20	37.00
	MBN	Telephone conf. with opposing counsel (M.P.), re: same.	0.10	18.50
8/25/2005	MBN	Telephone conf. with opposing counsel (M.P.), re: poss. settlement.	0.10	18.50
1/25/2006	MBN	Prepare letter to client (W.S.), re: status, Orfanos counsel withdrawal, invoice.	0.30	55.50
	MBN	Receipt and review of court notice on withdrawal.	0.10	18.50

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	163.70	\$29,540.00

**Additional Charges**

6/11/2004 FedEx to Arthur Orfanos. Re: Cease and Desist	15.00
FedEx to Costa.	15.00
7/9/2004 Filing Fee - filing of complaint in U.S. District Ct. - District of Mass.	150.00
FedEx of summons (with accompanying documentation) to R. Digiorgio for service upon defendant	14.00
FedEx of copies of materials filed with the court to attorney M. Pelosky	14.00
7/15/2004 Service Fee - service of summons on A. Orfanos by constable (Saturday fee)	80.00
Total additional charges	<u>\$288.00</u>

Total amount of this bill	<u>\$29,828.00</u>
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PLEASE PAY THIS AMOUNT	<u><u>\$29,828.00</u></u>
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**Timekeeper Summary**

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Henry W. Clark	0.40	250.00	\$100.00
Mandi Jo Hanneke	37.00	150.00	\$5,550.00
Michael B. Newman	65.00	185.00	\$12,025.00
Stacey A. Ward	34.60	150.00	\$5,190.00
William J. Hunt	26.70	250.00	\$6,675.00

Clark, Hunt &amp; Embry Tax ID No. 04-3296024

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PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

Name: Walter Stickle

CH&amp;E No. 50477.01

Invoice No. 41270

Amount Enclosed: \_\_\_\_\_

Please remit to:

**Clark, Hunt & Embry**55 Cambridge Parkway  
Cambridge, MA 02142

# Clark, Hunt & Embry

55 Cambridge Parkway  
Cambridge, MA 02142  
617-494-1920  
www.chelaw.com

Walter Stickle  
15 Sunset Avenue  
North Reading MA 01864

October 11, 2006  
**CH&E No.** 50477.01  
**Invoice No.** 45167

In Reference To: **Trademark Issues**

## Professional Services

		<u>Hours</u>	<u>Amount</u>
2/9/2006	MBN Attend U.S. Dist. Ct. re: status conf. conversion of PI into permanent inj.	1.80	333.00
2/10/2006	MBN Receipt and review of notice from court, re: default judgment.	0.20	37.00
2/13/2006	MBN Telephone conf. with client (W.S.), re: status, mtg.	0.10	18.50
2/14/2006	MBN Telephone conf. with client (W.S.), re: status, default, fees.	0.10	18.50
2/21/2006	MBN Preparation of proposed perm injunction order.	0.20	37.00
	MBN Preparation of Motion for dismissal of counterclaims.	0.20	37.00
	MBN Preparation of Motion for fees & costs.	1.20	222.00
2/22/2006	MBN Cont. preparation of motion for fees & costs.	0.40	74.00
2/23/2006	MBN Preparation of motion for default judgment.	0.20	37.00
	MBN Preparation of affidavits for fees & costs motion.	0.60	111.00
	MBN Prepare letter to court clerk's office, re: proposed order.	0.10	18.50
	MBN Cont. preparation of motion for fees & costs.	0.30	55.50
2/24/2006	MBN Telephone conf. with client (W.S.), re: status, motion for fees/costs.	0.20	37.00
3/1/2006	MBN Receipt and review of defendant's motion to remove default.	0.20	37.00
	MBN Telephone conf. with opposing counsel (A.O.), re: same.	0.10	18.50
3/2/2006	MBN Telephone conf. with opposing counsel (A.O.), re: status, motions, settlement.	0.30	55.50
	MBN Receipt and review of defendant's motion to dismiss.	0.20	37.00
	MBN Telephone conf. with client (W.S.), re: same.	0.10	18.50
3/3/2006	MBN Telephone conf. with client (W.S.), re: status, motion to remove default, fees, etc.	0.20	37.00
	MBN Preparation of Opposition to Motion to Remove Default.	1.30	240.50
3/6/2006	MBN Cont. preparation of Opposition to Motion to remove Default.	0.80	148.00
	MBN Receipt and review of corr from opp counsel (A.O.), re: status of case.	0.20	37.00
3/9/2006	MBN Receipt and review of corr from withdrawn opp. counsel, re: default, BBO complaint.	0.20	37.00

		<u>Hours</u>	<u>Amount</u>
3/9/2006	MBN Telephone conf. with opposing counsel (M.P.), re: same.	0.10	18.50
3/10/2006	MBN Prepare letter to opposing counsel (M.P.), re: BBO complaint, Orfanos.	0.30	55.50
	MBN Receipt and review of Motion from A.O. re: req. for oral arg, notice of hearing.	0.20	37.00
3/17/2006	MBN Receipt and review of court order, re: denial of defendant motion to remove default.	0.10	18.50
	MBN Telephone conf. with client, re: same.	0.20	37.00
	MBN Cont. prep motion for default judgment.	0.20	37.00
3/24/2006	MBN Receipt and review of defendant's settlement to his Motion to Dismiss.	0.20	37.00
3/27/2006	MBN Receipt and review of defendant's opp to motion to default judgment.	0.20	37.00
3/31/2006	MBN Receipt and review of defendant's motion for reconsideration (default removal)	0.20	37.00
5/19/2006	MBN Preparation of proposed form of judgment.	0.40	74.00
	MBN Prepare letter to court clerk's office, re: same.	0.10	18.50
5/24/2006	MBN Telephone conf. with court clerk's office, re: proposed form of judgment (x2)	0.20	37.00
6/9/2006	MBN Receipt and review of corr from opp. counsel, re: demand.	0.10	18.50
	MBN Telephone conf. with client (W.S.), re: property of defendant, judgment.	0.10	18.50
	MBN Receipt and review of court notices of judgment.	0.10	18.50
6/12/2006	MBN Cont. preparation of motion for attorney fees & costs.	0.30	55.50
	MBN Prepare letter to client (W.S.), re: same, judgment status.	0.30	55.50
6/15/2006	MBN Telephone conf. with opposing counsel (A.O.), re: communications, judgment, etc.	0.10	18.50
6/16/2006	MBN Receipt and review of defendant's Motion to Vacate Judgment.	0.10	18.50
	MBN Preparation of Opposition to defendant's Motion to Vacate Judgment.	0.30	55.50
6/19/2006	MBN Preparation of opp to defendant's motion to vacate.	0.20	37.00
For professional services rendered		13.20	\$2,442.00

Previous balance \$29,828.00

PLEASE PAY THIS AMOUNT \$32,270.00

### Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Michael B. Newman	13.20	185.00	\$2,442.00

Clark, Hunt & Embry Tax ID No. 04-3296024

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PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

Name: Walter Stickle

CH&E No. 50477.01

Invoice No. 45167

Amount Enclosed: \_\_\_\_\_

Please remit to:

**Clark, Hunt & Embry**

55 Cambridge Parkway  
Cambridge, MA 02142

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CASE NO. 04 11539 JLT**

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**WALTER STICKLE, ANTHONY  
CALIENDO, JOHN PITINGOLO, and  
DANIEL FISHER,  
Plaintiffs**

**v.**

**ARTHUR ORFANOS,  
Defendant**

---

**AFFIDAVIT OF COUNSEL, MICHAEL B. NEWMAN,  
IN SUPPORT OF PLAINTIFF'S MOTION FOR  
ATTORNEYS' FEES AND COSTS**

I, Michael B. Newman, under oath, do hereby depose and state the following:

1. I am an attorney-at-law in the Commonwealth of Massachusetts and am familiar with the facts I am about to relate.

2. I am licensed to practice law in the state and federal courts in Massachusetts, as well in the state and federal courts in Rhode Island and Florida.

3. I am a senior litigation associate at Clark, Hunt & Embry and have been with the firm since 1995. I performed the majority of legal work on this matter, including all of the discovery, summary judgment preparation, and communications with opposing counsel, as well as most of the legal research and communications with the client.

4. My eight and a half years of practice have focused primarily on civil litigation, and I have handled a number of matters to successful conclusion in both the state and federal courts in this jurisdiction. In addition, I have played an important role in my firm's growing disability and civil rights litigation practice.

5. Earlier in my career, I was responsible for handling a substantial amount of the discovery and witness preparation in the case of Guckenburger v. Boston University, 8.F.Supp. 2d 91 (1998), an important ADA case that culminated in a trial in the United States District Court in Boston in 1997. More recently, I was the lead counsel in Burkley v. County of Plymouth, an action brought against the Commonwealth and municipalities over the inaccessibility of courthouse facilities and involving compliance with the ADA and related state and federal statutes.

6. In 1998, six years ago, a rate of \$140 per hour was approved by the United States District Court for the District of Massachusetts for my work in Guckenburger case. See, Guckenburger, 8.F.Supp. 2d at 107-08.

7. Since that time, in addition to gaining additional experience in a variety of civil litigation matters, I have both studied and taught trial advocacy skills at the National Institute for Trial Advocacy (NITA).

8. My rate in this matter of \$200 per hour is fair and reasonable when compared to rates for comparable legal services in the Boston area.

9. In my performing the majority of the work in this matter leading up to trial at my associate's rate, my firm was able to minimize the legal fees that were incurred in prosecuting this case.

10. In addition, from the outset of this action, as well as at a number of times during its pendency, I initiated discussions with defense counsel in an effort to bring this case to some kind of reasonable settlement. At no time during this action was the defendant willing to even consider making a reasonable offer of settlement.

11. Attached as Exhibit A to this motion is a true and accurate copy of Clark, Hunt & Embry's billing records for this matter, which represent the time reasonably expended in pursuing this litigation. It is a "Final Bill" in the same form and format



that we would send to any hourly client that we represent. I personally performed a substantial portion of the work contained in the bill and have reviewed the bill for accuracy and content. Therefore, I personally attest that the time was reasonably expended in pursuit of the litigation.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 17<sup>th</sup> DAY OF October 2006.

  
Michael B. Newman (BBO No. 632222)

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CASE NO. 04 11539 JLT**

---

**WALTER STICKLE, ANTHONY  
CALIENDO, JOHN PITINGOLO, and  
DANIEL FISHER,  
Plaintiffs**

**v.**

**ARTHUR ORFANOS,  
Defendant**

---

**AFFIDAVIT OF COUNSEL, WILLIAM J. HUNT, IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEYS' FEES AND COSTS**

I, William J. Hunt, under oath do hereby depose and state the following:

1. I am an attorney at law in the Commonwealth of Massachusetts and am familiar with the facts I am about to relate.

2. I am licensed to practice law in the state and federal courts in Massachusetts and in a number of other state and federal courts, including, Pennsylvania, Rhode Island and New Jersey.

3. I am the senior litigation partner at Clark, Hunt & Embry and, in this capacity, am in overall charge of the Clark, Hunt & Embry effort in regard to all litigation. I was also the trial lawyer in this case.

4. My legal experience has been devoted solely to civil litigation and I have been trying cases for over twenty-five years. I have tried cases in state and federal courts in Massachusetts, Rhode Island, New Jersey and Pennsylvania, and in the territorial court for the trust territory of the Pacific Islands. I have also arbitrated cases in these states and in New York and New Hampshire as well. Much of my

practice has been devoted to handling commercial and tort matters – for both plaintiffs and defendants – which have high values.

5. I have, in the past, had experience with trial of matters involving rare legal issues or issues of first impression. For example, early in my career, I won, as a defendant, the very first trial against the Commonwealth of Pennsylvania brought pursuant to the recently enacted Tort Claims Act. In New Jersey, I was one of the trial lawyers in the first social host liquor liability case arising out of a company party after that state's appellate courts allowed such actions to proceed.

6. In Massachusetts, I was the lead trial lawyer in the case of Guckenburger v. Boston University, in the United States District Court in Boston, one of the most significant ADA cases in the late 1990's in the greater Boston area. More recently, I was the supervisory counsel in Burkley v. County of Plymouth, a case recently settled by the Commonwealth of Massachusetts in which the Commonwealth agreed to bring the Plymouth County Courthouse into compliance with the Americans with Disabilities Act and related states statutes.

7. I have also successfully represented plaintiffs in the Fair Housing Act and ADA claims in state and federal courts throughout the Commonwealth of Massachusetts. I have also handled a large number of high value personal injury and commercial cases.

8. Since the firm was founded, Clark, Hunt & Embry has developed an excellent reputation as a litigation firm throughout the northeast and now regularly represents a number of nationally significant clients.

9. In addition to handling litigation matters for my clients, I teach and lecture to both practicing attorneys and law students across the nation. I am an active member of the faculty of the National Institute for Trial Advocacy (NITA) and

have conducted NITA sessions in New York, Colorado, Massachusetts, Georgia, California, New Jersey, New Hampshire, Illinois, and Washington, D.C. I have taught lawyers in the nation of Palau and solicitors and barristers in London and in Dublin. I am currently scheduled to go to the former soviet republic of Moldova to teach trial advocacy to lawyers in that country, as the country moves to an adversarial legal system.

10. In America, I have taught practicing attorneys how to try cases for the New York Attorney General's Office, the Prosecuting Attorney's Council of Georgia, the Massachusetts Law Reform Institute, and Massachusetts Continuing Legal Education. I have taught law students at Hofstra University School of Law, Emory University School of Law, University of San Francisco School of Law, Benjamin Cardozo School of Law, and the Delaware Law School.

11. I have co-authored a book on Rhode Island evidence.

12. My rate of \$250.00 is squarely within the mainstream of rates for comparable legal services in the Boston area. It is certainly well below the rates in excess of \$500.00 charged by lead counsel in other litigation firms in Boston.

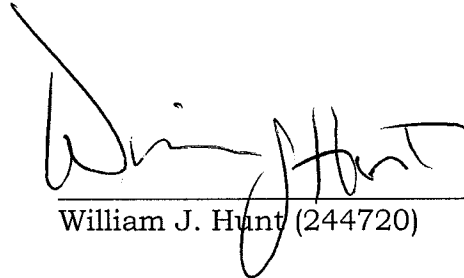
13. In 1998, eight years ago, a rate of \$275.00 an hour for me was approved by the United States District Court for the District of Massachusetts in Guckenburger v. Boston University, 8 F. Supp. 2d 91, 107-08 (1998).

14. My rate and Mr. Newman's rate are comparable to those rates customarily charged and received by law firms who do comparable litigation in the Boston area.

15. Attached as Exhibit A to the plaintiff's motion is a true and correct copy of the Clark, Hunt & Embry hourly time and represents time reasonable expended in pursuing this litigation. It is a "Final Bill" in the same form and format that we would

send to any hourly client that we represent. I personally supervised the work that is contained on the bill and reviewed the bill for accuracy and content. Therefore, I personally attest that the time was reasonably expended in pursuit of the litigation.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 17 DAY  
OF OCTOBER, 2006.

  
\_\_\_\_\_  
William J. Hunt (244720)

# **EXHIBIT C**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CASE NO. 04 11539 JLT**

---

**WALTER STICKLE, ANTHONY  
CALIENDO, JOHN PITINGOLO, and  
DANIEL FISHER,  
Plaintiffs**

**v.**

**ARTHUR ORFANOS,  
Defendant**

---

**AFFIDAVIT OF COUNSEL, RICHARD E. BRODY**

I, Richard E. Brody, state under the pains and penalties of perjury as follows:

1. I am a 1975 graduate of Boston University Law School and have about thirty years of litigation experience.
2. I am a partner in the Massachusetts law firm of Brody, Hardoon, Perkins & Kesten, LLP. We are a firm of sixteen lawyers and devote ourselves almost exclusively to civil litigation. A substantial part of our work involves the defense of civil rights cases or other matters involving fee shifting.
3. I have been involved, as chief trial counsel, in well over one hundred criminal, civil, and administrative trials in both state and federal courts since I became a member of the bar.
4. I am familiar with consumer litigation including the prosecution and defense of cases involving the Massachusetts Consumer Protection statute M.G.L. c. 93A.
5. I have participated in scores of mediations and arbitrations as chief counsel for my clients.

6. I have acted as a private mediator or an arbitrator in scores of alternative dispute resolutions.

7. I have been lead counsel in over 1000 civil cases in which I have represented both plaintiffs and defendants.

8. I have represented scores of defendants with regard to civil rights claims.

9. Through the years, I have become familiar with the law firm of Clark, Hunt & Embry and the quality of their civil litigation work. The firm has a reputation for professional excellence and I have personal knowledge of the high quality and professional expertise of the law firm.

10. I understand that William J. Hunt of Clark, Hunt & Embry is requesting fees in this case at the rate of \$250.00 per hour. I know Mr. Hunt to be highly qualified and experienced in the fields of consumer litigation, civil rights, and personal injury law.

11. My knowledge of Mr. Hunt's abilities is based on the fact that I have represented co-defendants with him in some cases and have opposed him in others. I have also taught a number of NITA and continuing education courses with him. He is an extremely skilled trial lawyer.

12. I am also familiar with attorney Michael B. Newman of Clark, Hunt & Embry. He too is highly skilled in the same areas as Mr. Hunt and is requesting \$185.00 per hour.

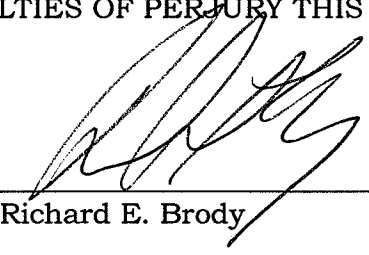
13. In my opinion, these rates are consistent with market rates for attorneys with similar skills and experience in the Boston area. My current hourly rate ranges from \$250.00 to \$300.00 per hour. In addition to our hourly fees, my firm also charges our clients for the actual costs of LEXIS, West Law, travel, photocopying, long distance telephone calls, deposition costs, filing fees, fax charges, and other incidental



expenses attendant on the defense or prosecution of civil cases. These expenses are not included in our attorney rates but, instead, are billed separately to our clients. This practice is fully consistent with such procedures in the Boston legal community.

14. I have reviewed Clark, Hunt & Embry's attached bill that includes both the hourly work performed on the file as well as the costs of litigating this matter and find it to be both fair and reasonable and in accordance with accepted billing practices in the Commonwealth.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 11<sup>th</sup> DAY OF October 2006.

  
\_\_\_\_\_  
Richard E. Brody